

October 13, 2022

VIA ECF

The Honorable Rachel P. Kovner
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Campos v. Kijakazi*, Case No. 21-cv-05143 (RPK)(VMS)

Dear Judge Kovner,

We write on behalf of Plaintiffs and Defendant (collectively, “the Parties”) in the above-referenced action following Your Honor’s Order dated October 12, 2022. As we described in our October 11, 2022 joint status report, the Parties have reached an agreement in principle on a class-wide settlement. After further discussion, the Parties commit to the following timeline for finalizing the settlement:

1. By October 21, 2022, Plaintiffs will provide a draft stipulation to Defendant covering the already-negotiated settlement terms regarding class members assessed overpayments from March through September 2020 and other general settlement terms. Defendant will make best efforts to propose any revisions to that stipulation by November 2, 2022. If Defendant is not able to provide revisions by this date, on that date Defendant will instead specify for Plaintiffs the date in which the agency will be able to provide revisions to Plaintiffs’ draft stipulation.
2. By November 2, 2022, Defendant will substantively respond to Plaintiffs’ October 4, 2022 proposal for relief for class members assessed overpayments after September 2020.
3. Also by November 2, 2022, Defendant will make best efforts to (1) inform Plaintiffs of Defendant’s proposed timing for providing relief to class members assessed overpayments from March through September 2020; and (2) identify numerical data demonstrating the scope of the relief that will be provided to the class. If Defendant is unable to provide this information to Plaintiffs by this date, on that date Defendant will instead specify for Plaintiffs the date on which the agency will provide Plaintiffs with this information.

The Honorable Rachel P. Kovner
October 13, 2022
Page 2

4. The Parties will hold a teleconference the week of November 7 to discuss the status of settlement.
5. The Parties will submit a status update to the Court by November 14, 2022.
6. The Parties will endeavor to execute a class-wide stipulation of settlement by no later than December 12, 2022, after which Plaintiffs will submit a motion for preliminary approval of that settlement.

In light of these commitments, Plaintiffs have agreed to withdraw the pending motion for preliminary injunction and provisional class certification without prejudice and we respectfully request that the Court direct the clerk to do so. Accordingly, the Parties request that the Court cancel the oral argument scheduled for tomorrow at 4:30 p.m.

The Parties thank the Court for its ongoing assistance in this matter.

Respectfully submitted,

/s/ Carmela T. Romeo
Carmela T. Romeo